

By: Patterson

H.B. No. 2369

A BILL TO BE ENTITLED

AN ACT

relating to the processes for and the adjudication and payment of certain claims under the workers' compensation system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 408.0042, Labor Code, is amended by amending Subsections (a), (c), (d), (e), and (f) and adding Subsection (a-1) to read as follows:

(a) Subject to Subsection (a-1), the ~~[The]~~ division shall require an injured employee to submit to a single medical examination to define the compensable injury on request by the insurance carrier.

(a-1) In this subsection, the terms "custodial officer," "detention officer," "emergency medical technician," "firefighter," and "peace officer" have the meanings assigned by Section 607.051, Government Code. On request by an injured employee who is a custodial officer, a detention officer, an emergency medical technician, a firefighter, or a peace officer, the division shall authorize the performance of a medical examination to define the compensable injury, regardless of whether an examination under Subsection (a) was previously performed.

(c) After a ~~[the]~~ medical examination is performed under Subsection (a) or (a-1), the treating doctor shall submit to the insurance carrier and the division a report that details all injuries and diagnoses related to the compensable injury, on

1 receipt of which the insurance carrier shall:

2 (1) accept all injuries and diagnoses as related to  
3 the compensable injury; or

4 (2) dispute the determination of specific injuries and  
5 diagnoses.

6 (d) Any treatment for an injury or diagnosis that is not  
7 accepted by the insurance carrier under Subsection (c) as  
8 compensable at the time of the medical examination under Subsection  
9 (a) or (a-1) must be preauthorized before treatment is rendered. If  
10 the insurance carrier denies preauthorization because the  
11 treatment is for an injury or diagnosis unrelated to the  
12 compensable injury, the injured employee or affected health care  
13 provider may file an extent of injury dispute.

14 (e) Any treatment for an injury or diagnosis that is  
15 accepted by the insurance carrier under Subsection (c) as  
16 compensable at the time of the medical examination under Subsection  
17 (a) or (a-1) may not be reviewed for compensability, but may be  
18 reviewed for medical necessity.

19 (f) The commissioner may adopt rules relating to  
20 requirements for:

21 (1) a request for an examination under Subsection (a)  
22 or (a-1); or

23 (2) a report under this section, including  
24 requirements regarding the contents of a report.

25 SECTION 2. Section 409.021, Labor Code, is amended by  
26 adding Subsection (a-4) to read as follows:

27 (a-4) In this subsection, the terms "custodial officer,"

1 "detention officer," "emergency medical technician,"  
2 "firefighter," and "peace officer" have the meanings assigned by  
3 Section 607.051, Government Code. Notwithstanding any other  
4 provision of this title, an insurance carrier who does not contest  
5 the extent of an injury on or before the 60th day after the date the  
6 carrier receives the report described by Section 408.0042(c) waives  
7 its right to contest the extent of injury specifically claimed by  
8 the employee or reasonably reflected in the employee's medical  
9 records available to the carrier for review during that time  
10 period, if the employee is a custodial officer, a detention  
11 officer, an emergency medical technician, a firefighter, or a peace  
12 officer.

13 SECTION 3. Section 409.022, Labor Code, is amended by  
14 adding Subsections (c-1) and (c-2) and amending Subsection (d) to  
15 read as follows:

16 (c-1) For purposes of [~~(d)~~—In] this section [subsection],  
17 the terms "custodial officer," "detention officer," "emergency  
18 medical technician," "firefighter," and "peace officer" have the  
19 meanings assigned by Section 607.051, Government Code.

20 (c-2) In addition to the other requirements of this section,  
21 an insurance carrier's notice of refusal to pay benefits under  
22 Section 409.021 sent in response to a claim for compensation by an  
23 injured employee who is a custodial officer, a detention officer,  
24 an emergency medical technician, a firefighter, or a peace officer  
25 must include a statement by the carrier that:

26 (1) for purposes of Subsection (a), includes the  
27 specific reasons why the carrier is disputing the compensability of

1 the injury or the extent of injury; and

2 (2) describes the evidence that the carrier reviewed  
3 in making the determination to dispute the issue under Subdivision  
4 (1).

5 (d) In addition to the other requirements of this section,  
6 if an insurance carrier's notice of refusal to pay benefits under  
7 Section 409.021 is sent in response to a claim for compensation  
8 resulting from a custodial officer's, a detention officer's, an  
9 emergency medical technician's, a firefighter's, or a peace  
10 officer's disability or death for which a presumption is claimed to  
11 be applicable under Subchapter B, Chapter 607, Government Code, the  
12 notice must include a statement by the carrier that:

13 (1) explains why the carrier determined a presumption  
14 under that subchapter does not apply to the claim for compensation;  
15 and

16 (2) describes the evidence that the carrier reviewed  
17 in making the determination described by Subdivision (1).

18 SECTION 4. Subchapter D, Chapter 410, Labor Code, is  
19 amended by adding Section 410.170 to read as follows:

20 Sec. 410.170. EFFECT OF DECISION: REIMBURSEMENT OF CERTAIN  
21 MEDICAL EXPENSES. (a) In this section, the terms "custodial  
22 officer," "detention officer," "emergency medical technician,"  
23 "firefighter," and "peace officer" have the meanings assigned by  
24 Section 607.051, Government Code.

25 (b) Notwithstanding the amount of an award of benefits due  
26 in a written decision by an administrative law judge under Section  
27 410.168, an insurance carrier shall reimburse an injured employee

1 who is a custodial officer, a detention officer, an emergency  
2 medical technician, a firefighter, or a peace officer for all  
3 medical expenses incurred by the employee that are related to the  
4 specific injury claimed by the employee if:

5 (1) the carrier denied the employee's claim for  
6 medical benefits;

7 (2) the decision of the administrative law judge  
8 includes a determination that the injury is compensable; and

9 (3) the decision of the administrative law judge is  
10 not appealed to the appeals panel and becomes final.

11 SECTION 5. Subchapter E, Chapter 410, Labor Code, is  
12 amended by adding Section 410.2051 to read as follows:

13 Sec. 410.2051. EFFECT OF DECISION: REIMBURSEMENT OF CERTAIN  
14 MEDICAL EXPENSES. (a) In this section, the terms "custodial  
15 officer," "detention officer," "emergency medical technician,"  
16 "firefighter," and "peace officer" have the meanings assigned by  
17 Section 607.051, Government Code.

18 (b) An insurance carrier shall directly reimburse an  
19 injured employee who is a custodial officer, a detention officer,  
20 an emergency medical technician, a firefighter, or a peace officer  
21 for all medical expenses incurred by the employee that are related  
22 to the specific injury claimed by the employee if:

23 (1) the carrier denied the employee's claim for  
24 medical benefits; and

25 (2) either:

26 (A) the administrative law judge's determination  
27 that benefits are owed becomes final without an appeal; or

1                   (B) the appeals panel:

2                   (i) affirms the administrative law judge's  
3 determination that the benefits are owed; or

4                   (ii) reverses the administrative law  
5 judge's determination that the benefits are not owed.

6           (c) If the appeals panel affirms the administrative law  
7 judge's determination that the benefits are owed, the insurance  
8 carrier shall directly reimburse the employee for all medical  
9 expenses incurred by the employee that are related to the specific  
10 injury claimed by the employee, regardless of the amount of an award  
11 of benefits due in the written decision by the administrative law  
12 judge under Section [410.168](#).

13           (d) The insurance carrier must reimburse the injured  
14 employee under Subsection (b), regardless of whether the appeals  
15 panel's decision is appealed for judicial review.

16           SECTION 6. The changes in law made by this Act apply only to  
17 a claim for workers' compensation benefits based on a compensable  
18 injury that occurs on or after the effective date of this Act. A  
19 claim based on a compensable injury that occurs before that date is  
20 governed by the law as it existed on the date the compensable injury  
21 occurred, and the former law is continued in effect for that  
22 purpose.

23           SECTION 7. This Act takes effect September 1, 2025.